

REGULAR BOARD OF COMMISSIONERS MEETING

TOWN OF WAKE FOREST, NORTH CAROLINA

June 21, 2005

Mayor Jones called to order a regular meeting of the Board of Commissioners at 7:00 p.m. Present were Commissioners Stephen Barrington, Velma Boyd-Lawson, Rob Bridges, David Camacho, and Chris Malone as were Town Manager Williams, Deputy Town Manager O'Donnell, Planning Director Russell, Finance Director Staples, Public Works Director Barton, and Engineering Director Keravuori, and Town Attorney Vernon. Town Clerk Joyce Wilson was absent. (Note for the record: Town Manager Williams took notes and Town Clerk Wilson viewed the taped proceedings to prepare the minutes.)

Mayor Jones led everyone in the Pledge of Allegiance.

1. Approval of agenda.

Mayor Jones reported that the following additional item would be added to the agenda for consideration/approval:

7. Planning Items

G. Consideration of approval of Watershed Recommendation from Comprehensive Planning Committee (CPC).

ACTION: Commissioner Barrington made a motion to approve the agenda as amended. Commissioner Bridges seconded the motion, which carried unanimously (5-0).

2. Approval of minutes.

A. Meetings held May 3, 2005 (Work Session and Joint Public Hearings), and May 17, 2005 (Regular Board of Commissioners Meeting).

ACTION: Commissioner Bridges made a motion to approve the minutes of meetings held May 3, 2005 (Work Session and Joint Public Hearings), and May 17, 2005 (Regular Board of Commissioners Meeting). Commissioner Barrington seconded the motion, which carried unanimously (5-0).

Mayor Jones introduced Bill Crabtree, Communications Specialist and John Pearson as well as the Police Explorers.

3. Presentations.

A. Resolutions of Appreciation for those employees that will be transferring to the City of Raleigh.

ACTION: Commissioner Camacho made a motion to approve Resolutions of Appreciation for those employees that will be transferring to the City of Raleigh due to merger negotiations. Commissioner Malone seconded the motion, which carried unanimously (5-0).

RESOLUTION 2005-32

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
BOBBY BALL

(12-13-1994 - 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-33

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
ERIC BOWLING

(06-07-2005 - 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-34

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
JEREMY ISGRIGG

(11-13-2001 - 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-35

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
ELVIS MEDLIN

(03-28-1988 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-36

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
CHAD PHELPS

(10-08-2002 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-37

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
CHRISTOPHER “CHRIS” RAY

(10-12-1999 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-38

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
WILLIAM “BILLY” BELL

(07-20-2004 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-39

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
ALBERT “A.C.” DALY

(02-22-2005 to 07-01-2005)

(Body of resolution contained in Resolution Book)

RESOLUTION 2005-40

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
BRANDON MILLER

(03-02-2004 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-41

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
MARK OAKLEY

(02-22-2005 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-42

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
DANIEL PICINIC

(02-15-2005 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-43

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
KEVIN RADFORD

(11-26-2002 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-44

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
DAVID WOODLIEF

(01-29-2003 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-45

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
CLEVEN DUNN

(02-24-1994 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-46

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
DUANE BRUCE

(07-20-2004 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-47

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
JESSE WALKER

(04-20-1999 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-48

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
JOHN DYER

(05-25-2004 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-49

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
MICHAEL GARVER

(07-15-2004 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-50

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
JOHN GIBSON

(09-27-1993 to 07-10-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-51

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
PAUL LANGFIELD

(10-07-1996 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-52

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
WILLIAM PETERSON

(11-09-2004 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-53

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
JOHN F. SILVERI

(08-13-2001 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-54

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
ROBERT H. STEWART

(01-07-1998 to 07-01-2005)

(Body of resolution contained Resolution Book 22)

RESOLUTION 2005-55

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
GEORGE ROGERS

(05-08-1989 to 07-01-2005)

(Body of resolution contained in Resolution Book 22)

4. Public hearings / Public Comment.

- A. Public hearing and approval of ordinance for contiguous annexation submitted by Andrew L. Ammons/Heritage Wake Forest, Inc. for property located off Heritage Lake Road comprising 102.80 acres.**

At 7:14 p.m., Mayor Jones opened the public hearing for contiguous annexation submitted by Andrew L. Ammons/Heritage Wake Forest, Inc. for property located off Heritage Lake Road comprising 102.80 acres.

At 7:15 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

B. Public hearing and approval of ordinance for contiguous annexation submitted by William Gaffney for property located at 770 Stadium Drive, north side, comprising .41 acre.

At 7:15 p.m. Mayor Jones opened the public hearing for contiguous annexation submitted by William Gaffney for property located at 770 Stadium Drive , north side, comprising .41 acre.

At 7:16 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

C. Public hearing and approval of ordinance for contiguous annexation submitted by Hampton Commons, LLC for property located off Wake Union Church Road, east side, comprising 5.2 acres.

At 7:16 p.m., Mayor Jones opened the public hearing for contiguous annexation submitted by Hampton Commons, LLC for property located off Wake Union Church Road, east side, comprising 5.2 acres.

At 7:17 p.m., there being no present to speak to this item, Mayor Jones closed the public hearing.

D. Public hearing and approval of ordinance for contiguous annexation submitted by KF US-1, LLC for property located off Capital Boulevard (US-1), east side, comprising 55.81 acres.

At 7:17 p.m., Mayor Jones opened the public hearing for contiguous annexation submitted by KF US-1, LLC for property located off Capital Boulevard (US-1), east side, comprising 55.81 acres.

At 7:18 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

E. Public hearing and approval of ordinance for contiguous annexation submitted by Rolls Capital, LLC for property located off Capital Boulevard (US-1), east side, comprising 68.58 acres.

At 7:18 p.m., Mayor Jones opened the public hearing for contiguous annexation submitted by Rolls Capital, LLC for property located off Capital Boulevard (US-1), east side, comprising 68.58 acres.

At 7:19 p.m., there being no one present to speak to this item, Mayor Jones closed the public hearing.

F. Action on Items 4.A., B., C., D. & E: Approve ordinance for the following contiguous annexations submitted by:

ACTION: Commissioner Camacho made a motion to approve the contiguous annexation of the properties as listed below. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0) resulting in the following ordinances:

ORDINANCE 2005-24

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 18)
(Andrew L. Ammons/Heritage Wake Forest, Inc. - 102.80 acres
for property located off Heritage Lake Road)

ORDINANCE 2005-25

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 18)
(William Gaffney - .41 acre for property located
at 770 Stadium Drive, north side)

ORDINANCE 2005-26

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 18)
(Hampton Commons, LLC - 5.2 acres for property located
off Wake Union Church Road, east side)

ORDINANCE 2005-27

ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA

(Body of ordinance contained in Ordinance Book 18)
(KF US-1, LLC - 55.81 acres for property located
off Capital Boulevard (US-1), east side)

ORDINANCE 2005-28

**ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA**

(Body of ordinance contained in Ordinance Book 18)
(Rolls Capital, LLC - 68.58 acres for property located
off Capital Boulevard (US-1), east side)

G. Public Comment.

No one spoke.

5. Consent Agenda.

ACTION: Commissioner Bridges made a motion to approve the Consent Agenda Items as submitted. Commissioner Malone seconded the motion, which carried unanimously (5-0).

A. Approval of tax releases (documentation on file in Town Clerk's Office).

B. Approval of Budget Ordinance Amendment #5 for FY 2004-2005 resulting in the following ordinance:

ORDINANCE 2005-29

**BUDGET ORDINANCE AMENDMENT #5 FOR FY 2004-2005
FOR THE TOWN OF WAKE FOREST, NORTH CAROLINA**
(Copy of ordinance contained in Ordinance Book 18)

C. Approval of resolution declaring certain property surplus and authorizing its disposal by the Town Manager resulting in the following resolution:

RESOLUTION 2005-56

**RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND
AUTHORIZING ITS DISPOSAL BY THE TOWN MANAGER**
(Body of resolution contained in Resolution Book 22)

| <u>Asset No.</u> | <u>Description</u> | <u>VIN No.</u> | <u>Original Cost</u> |
|------------------|--|-------------------|----------------------|
| 117164/510179 | 1998 Ford Crown Victoria (Shop Vehicle No. 106) | 2FAFP71W8WX117164 | \$19,953.00 |
| 117165/510175 | 1998 Ford Crown Victoria (Shop Vehicle No. 111) | 2FAFP71WXWX117165 | \$19,953.00 |
| 136360/620083 | 1988 Chevrolet C30 Truck | 1GBJR34M5JJ136360 | \$14,761.16 |

| <u>Asset No.</u> | <u>Description</u> | <u>VIN No.</u> | <u>Original Cost</u> |
|------------------|--|-------------------|----------------------|
| 810016 | 1987 JGB 1400B Backhoe | 14BN2067/327029/7 | \$28,235.00 |
| 580007 | 1983 Fiat Allis Loader | | \$17,775.35 |
| 213831/810140 | 1994 Chevy 2500 (Shop No. 5618) | 1GCFK24HXRE213831 | \$17,574.86 |
| 153677/620212 | 1985 Chevy S-10 (Shop No. 6201) | 1GCBS14B8F2153677 | \$ 6,881.51 |
| B47089/560150 | 1988 Ford F350 Crew Cab (Shop No. 5613) | 2FTJW35H0JCB47089 | \$13,382.35 |

D. Approval of request received from July 4th Committee to close the following the streets for the annual July 4th Celebration:

- * The 400 block of West Juniper Avenue from 3:00 p.m. to 10:00 p.m. on Sunday, July 3, 2005. This road leads up to the area where the firework staging area is set-up and with the construction of the new tennis courts this year, the committee would like to eliminate as much traffic as possible in this area. This closure would also allow an easy access for emergency vehicles should the need arise.
- * The 200 block of South College Street (by the Community House) up to the 300 block of South Main Street on Monday, July 4, 2005 from 10:00 a.m. until 2:00 p.m. This request is for the safety of all the many children that will be participating in the festivities of Art-in-the-Park and Games-in-the-Park.
- * The 100 block of East Juniper Avenue (off North Main Street). The intersection of East Juniper Avenue and North Main Street is the beginning and end of the Children's Parade. The participants in the parade are increasing more each year and while parents who have previously parked along this section are ready to leave, there will still be a street full of children and parents. The committee has found this to be a very hazardous situation and feel that by closing this block would eliminate the problem. The committee will take the responsibility of notifying the residents on the street that will be affected by this closure.

E. Approval of resolution accepting certain streets to the Town Street system for maintenance resulting in the following resolution:

RESOLUTION 2005-57

RESOLUTION ACCEPTING CERTAIN STREETS TO THE TOWN OF WAKE FOREST STREET SYSTEM FOR MAINTENANCE
(Body of resolution contained in Resolution Book 22)

| <u>Subdivision Name</u> | <u>Street Name</u> | <u>Linear Feet</u> |
|-------------------------|----------------------|--------------------|
| Caddell Woods | Bratt Avenue | 1900 |
| | Cochran Court | 375 |
| | Gross Avenue | 900 |
| | Kaplan Woods Way | 1000 |
| | Murdock Court | 150 |
| Dansforth | Cornwell Street | 2700 |
| | Dansfordshire Way | 3485 |
| | Tansley Street | 500 |
| | Trawden Drive | 800 |
| Heritage | Marshall Farm | 2200 |
| | Margot's Pond | Doss Court |
| Margot's Pond | Dumes Court | 450 |
| | Margot's Avenue | 1620 |
| | Perini Court | 450 |
| | Philbeck Lane | 1000 |
| | Northampton | Clapton Avenue |
| Jones Farm | | 700 |
| Lanning Place | | 200 |
| Ridgemont Drive | | 700 |
| The Factory | Grandmark Street | 1200 |

- F. Approval of petition for contiguous annexation submitted by BST Incorporated for property located off Oak Grove Church Road and Jeanne Street, comprising 74.02 acres resulting in the following resolutions:**

RESOLUTION 2005-58

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1
 (Body of resolution contained in Resolution Book 22)

RESOLUTION 2005-59

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED
 (Body of resolution contained in Resolution Book 22)

- G. Approval of resolution establishing Check Signing Procedures resulting in the following resolution:**

RESOLUTION 2005-60

RESOLUTION ESTABLISHING CHECK AND
PURCHASE ORDER SIGNING PROCEDURES
FOR THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of resolution contained in Resolution Book 22)

H. Approval of Site Plan Review: Looper-Massey Buildings.

6. Legislative Items.

None.

7. Planning Items.

Commissioner Boyd-Lawson reported that she was absent at the Joint Public Hearings but that she had reviewed the tape of the proceedings.

A. Consideration of approval of Case SU-03-06-A: A request filed by Bass, Nixon & Kennedy, Inc. to amend special use permit (SU-03-06) to include an inspection station as an allowable use at Outparcel “C” of the Entertainment & Sports Complex, being Tax PIN 1830.04-91-6495.

ACTION: Commissioner Boyd-Lawson made a motion to approve SU-03-06-A: A request filed by Bass, Nixon & Kennedy, Inc. to amend special use permit (SU-03-06) to include an inspection station as an allowable use at Outparcel “C” of the Entertainment & Sports Complex as recommended by the Planning Board based on the findings of fact and conditions. Commissioner Malone seconded the motion, which carried unanimously (5-0).

Finding 1: The proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety, and general welfare, in that the proposed uses (office, retail, and commercial recreation, baseball facility and an auto inspection facility) is to be located in an area appropriately zoned (I, Industrial District); the existing building has been renovated to current code standards; outparcels will be created to accommodate a restaurant, bank, office sites, other retail uses, and an auto inspection facility; the proposed uses will benefit the Town of Wake Forest by enhancing commercial tax base and providing employment opportunities; and, the proposed use does not include activities adverse to the public health, safety, or general welfare.

- Finding 2: The proposed facility is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, in that municipal water and sewer service is currently provided to the property; the property is located in the town limits and municipal services will be provided; and, the site has access to South Main Street (US-1A) and Rogers Road, which are secondary-major thoroughfares according to the Town of Wake Forest Transportation Plan.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that buffering, screening and landscaping as required by the zoning ordinance will be provided; and, the adjoining properties are zoned, developed and/or proposed for non-residential use.
- Finding 4: The proposed use will not cause undue traffic congestion or create a traffic hazard, in that the proposed use is located adjacent to a secondary major thoroughfare (US-1A) and improvements have been provided as prescribed in the Wake Forest Transportation Plan; a traffic study was prepared and amended by Kimley-Horn and Associates recommending lane configuration and roadway improvements; and, the provision of sidewalks in the interior and along the perimeter will give pedestrian access to the proposed use.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the proposed uses will be located inside buildings which will not create undue noise, dust and gasses with the exception of the go-kart track which will be located outdoors and can be expected to produce some noise; and vehicle access areas will be paved as not to create dust.
- Finding 6: The proposed use, if developed accordingly to the plan submitted and approved, will be in harmony with the area in which it is located, in that landscaping will be provided as prescribed by the zoning ordinance; architecture will contribute to the viability of the use and the aesthetics of the area; and, the proposed land use is consistent with other non-residential land uses in the area and on adjoining properties.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed use and its location conforms to the policies of the Land Development Plan, and Land Use Management Plan, and the Transportation Plan, provided adherence to and completion of recommended conditions.
- Finding 8: The proposed use or development meets all other rules and regulations within the zoning ordinance and all existing Town polices, in that the amended proposed plan submitted with the

special-use permit application complies with the requirements of the I, Industrial District.

- Conditions:
1. Provide internal pedestrian walkway system. Interconnect internal sidewalk system with public sidewalks along public streets. Interconnect internal sidewalk system from the Auto Inspection Facility to the restaurant facility.
 2. Provide bicycle parking facilities at 1 space per 20 auto spaces; 1 space per 10 auto spaces at the baseball facility.
 3. Provide right-of-way dedication. And roadway and sidewalk improvements to South Main Street (US-1A) along lot frontage to complete ultimate (2025) cross-section as prescribed in the Wake Forest Transportation Plan.
 4. Provide cross-access to adjacent properties to reduce repetitive trips and to provide future alternative routes of ingress/egress.
 5. Provide pedestrian crossing signals and improvements at the intersection of South Main Street (US-1A) and Rogers Road.
 6. Proposed driveway connection to Rogers Road shall ultimately be developed as a public right-of-way and street to accommodate the future Grandmark Street extension. Initial construction may be a private driveway; however, the driveway shall be constructed to public non-residential street standards for conversion to a public street in a future phase.
 7. Construct go-kart facility utilizing site and building design measures and landscaping to minimize noise to adjoining properties.
 8. Only bulb/lights/wiper changes will be allowed.
 9. No permanent bolted to the floor lifts.

B. Consideration of approval of Case SU-05-03: A request filed by Stonegate Partners, LLC for a special use permit for an Amenities Center to be located in the Stonegate Subdivision (west side of Forestville Road), being Tax PIN 1748-47-8250.

ACTION: Commissioner Barrington made a motion to approve Case SU-05-03: A request filed by Stonegate Partners, LLC for a special use permit for an Amenities Center to be located in the Stonegate Subdivision (west side of Forestville Road as recommended by the Planning Board based on the findings of fact. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

Finding 1: The proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety, and general welfare, in that the proposed use is an amenities center that includes a swimming pool, nature trails, clubhouse, tennis courts and a playground, is to be located in an area appropriately zoned (C.U. R-5, Residential-5 District); and

will conform to all the state and local safety laws involved with such uses.

- Finding 2: The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, in that municipal water and sewer service will be available to the site; and, the site is located within the Town's corporate limits and municipal protection services will be provided; and, the site will have frontage on to a public collector street; Rainy Lake Road.
- Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the proposed development will provide buffering, screening, and landscaping as required by the Town ordinances and an amenities center is a compatible use with the surrounding Stonegate Subdivision.
- Finding 4: The proposed use will not create undue traffic congestion or create a traffic hazard, in that the adjacent roads have been designed and will be built to accommodate the proposed use. Furthermore, the majority of the users will be residents of the surrounding subdivision, reducing the need to drive to the proposed use.
- Finding 5: The proposed use will not create undue noise, dust, and gasses, in that dust and gases are not normally associated with the proposed use and vehicle access areas will be paved, alleviating potential dust problems. The central positioning of the proposed facility on the site (away from the future single-family homes) along with required landscaping/buffering/lighting standards should alleviate noise concerns.
- Finding 6: The proposed use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is located, in that the proposed use is compatible with the surrounding residential properties and will serve the surrounding subdivision residents. It will be located in a centralized area of the subdivision, thus promoting pedestrian accessibility.
- Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed use is allowed in the R-5, Residential-5 District through a special-use permit.
- Finding 8: The proposed use or development meets all other rules and regulations within the zoning ordinance and all existing town polices, in that the submitted special-use application and development plan complies with the requirements of the R-5, Residential-5 District.

C. Consideration of approval of Case SU-05-04: A request filed by New Cingular Wireless PCS, LLC for a special use permit to allow a telecommunications tower at 1423 Wait Avenue, being a portion of Tax PIN 1850.01-36-0752.

ACTION: Commissioner Camacho made a motion to approve Case SU-05-04: A request filed by New Cingular Wireless PCS, LLC for a special use permit to allow a telecommunications tower at 1423 Wait Avenue as recommended by the Planning based on the findings of fact. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

Finding 1: The proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety, and general welfare, in that the proposed use, where located, as designed and operated will not be detrimental to the public health, safety or general welfare of the residents or workers within the Town of Wake Forest. Thousands of facilities such as this one are located in the State of North Carolina (and tens of thousands nationwide), and none present any threat or danger to public health or safety. Radio emissions from the facility will comply with all federal laws, including those established by the Federal Communications Commission (FCC) and will fall well below emission standards for this type of facility as established by the American National Standards Institute (ANSI). Moreover, the forecast of demand for wireless communications services will increase 40 to 50 percent over the next decade. Coupled with growth of the Town of Wake Forest, the proposed location of the communications tower will increase public safety, because residents of and travelers through the proposed coverage area will be able to place and receive calls during emergencies. Thus, the citizens of the Town of Wake Forest will directly benefit from the expanded availability of wireless telecommunications facilities.

Finding 2: The proposed facility is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, in that the proposed facility will have almost no impact on the Town of Wake Forest's utility or public service demands. The proposed use is not a service facility that is open to the public. It will generate no more than 2-4 vehicle trips per month for maintenance purposes only. It is an unmanned facility, which should not create any need for emergency access; the proposed use only requires minimal power and telephone service; no water or sewer services are needed for the operation of the facility. Thus, the proposed location is appropriate for a wireless telecommunications facility of this type and will not adversely impact the existing infrastructure system of the Town of Wake Forest.

Finding 3: The proposed use will not substantially injure the value of adjoining or abutting property, in that the proposed facility will not be detrimental to the use or development or physical attribute of

adjoining or abutting property. The real estate value studies that have

been compiled on this issue have indicated empirically and objectively that a low intensity utility use such as the kind of tower proposed does not adversely affect the value of contiguous property. The parcel on which the tower will be located is zoned for industrial uses.

Finding 4: The proposed use will not cause undue traffic congestion or create a traffic hazard, in that the proposed facility will generate no more than 2-4 vehicle trips per month for maintenance purposes. It is an unmanned facility, which should not create any need for emergency access. The impact of this use on the road network is consistent with or less than that of uses in this area.

Finding 5: The proposed use will not create undue noise, dust, and gasses, in that the proposed telecommunications tower and the associated equipment within the tower compound, will not generate glare, noise, dust, nor will it emit any gasses.

Finding 6: The proposed use, if developed accordingly to the plan submitted and approved, will be in harmony with the area in which it is located, in that the proposed facility will be in harmony with the Industrial area in which it is proposed to be constructed. It will not adversely affect the use or any physical attribute or development of adjoining or abutting properties or other neighborhood uses. The proposed site exceeds all minimum setback requirements, will meet all landscaping requirements as well as all other applicable requirements set forth in the Wake Forest Zoning Ordinance.

Finding 7: The proposed use or development conforms with the general plans for the physical development of the town, in that the proposed use, requiring only a small 100' x 100' leased area, will not adversely affect the plan of development of the area where it is proposed to be located and will comply with all applicable land use and development plans of the Town of Wake Forest.

Finding 8: The proposed use or development meets all other rules and regulations within the zoning ordinance and all existing Town polices, in that the proposed use, where located, will comply with all applicable conditions, specifications and development standards of the Town's ordinances. The facility will be constructed and maintained in accordance with all local, state and federal regulations.

D. Consideration of approval of Case RZ-05-09: A request filed by Horsecreek Associates to rezone 2.37 acres from R-15, Residential District to Conditional Use HB, Highway Business District for properties located in the 800 block of Durham Road, north side, being Tax PINs 1831-61-8928, 1831-61-9952 & 1831-71-0934.

ACTION: Commissioner Barrington made a motion to approve Case RZ-05-09: A request filed by Horsecreek Associates to rezone 2.37 acres from R-15, Residential District to Conditional Use HB, Highway Business District for properties located in the 800 block of Durham Road, north side as recommended by the Planning Board based on the conditions as listed below. Commissioner Bridges seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-30

ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 18)

- Conditions:
1. Convenience stores with gasoline sales and automobile (gas) service stations shall not be allowed.
 2. Upon development of the property right-of-way dedication, road widening, and sidewalk construction be provided per the Wake Forest Transportation Plan and per NC-DOT.
 3. Design of future site plan shall attempt to preserve landmark trees on property to the greatest extent possible.
 4. Permitted uses shall be: stores retailing automobiles accessories, groceries, drugs, fish, meat, paints, furniture, appliances, radio and television, paint and wall paper, bakeries, book stores, candy, clothing, dry goods, gifts, hobbies and crafts, jewelry, leather good, magazines, musical goods, shoes, and toys. Child care center, video sales and rentals. Banks, restaurants, drive-ins dispensing foods, offices, business offices, financial offices, medical offices, household equipment, and professional offices. Uses and buildings accessory to permitted uses.

E. Consideration of approval of Case ZA-05-03: Consideration of various amendments to the Wake Forest Zoning Ordinance Article IV. General Provisions; Article III. Definitions of terms used in this ordinance and Article VI. Supplementary District Regulations.

ACTION: Commissioner Barrington made a motion to approve Case ZA-05-03: Consideration of various amendments to the Wake Forest Zoning Ordinance Article IV. General Provisions; Article III.

Definitions of terms used in this ordinance and Article VI.
Supplementary District

Regulations. Commissioner Malone seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-31

ORDINANCE AMENDING ARTICLE IV. GENERAL PROVISIONS
ARTICLE III. DEFINITIONS OF TERMS USED IN THIS ORDINANCE
AND ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS
OF THE ZONING ORDINANCE OF THE TOWN OF
WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 18)

F. Consideration of approval of request from Centex Homes for additional water allocation for the Dansforth Subdivision.

ACTION: Commissioner Camacho made a motion to approve the request from Centex Homes for additional water allocation for the Dansforth Subdivision (18 dwelling units per calendar year in 2005). Commissioner Malone seconded the motion, which carried unanimously (5-0).

G. Consideration of approval of Case ZA-05-02: Consideration of an amendment to the Wake Forest Zoning Ordinance amending Article V. District Regulations Section 31 Reservoir Watershed Protection Overlay District (second reading).

ACTION: Commissioner Barrington made a motion to approve Case ZA-05-02: Consideration of an amendment to the Wake Forest Zoning Ordinance amending Article V. District Regulations Section 31 Reservoir Watershed Protection Overlay District as recommended by the Comprehensive Planning Committee. Commissioner Bridges seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-32

ORDINANCE TO AMEND ARTICLE V. DISTRICT REGULATIONS
SECTION 31 RESERVOIR WATERSHED PROTECTION OVERLAY
DISTRICT OF THE ZONING ORDINANCE OF THE TOWN OF
WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 18)

Commissioner Camacho made a motion to approve a policy to set the boundary for high density options based on map (copy of map available in the Planning Office) presented by Planning Director

Russell. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

8. Administration and Financial Items.

A. Consideration of approval of FY 2005-2006 Budget Ordinance.

ACTION: Commissioner Barrington made a motion to approve the FY 2005-2006 Budget Ordinance. Commissioner Malone seconded the motion, which carried unanimously (5-0) resulting in the following ordinance:

ORDINANCE 2005-33

BUDGET ORDINANCE OF THE TOWN OF WAKE FOREST,
NORTH CAROLINA FOR THE FISCAL YEAR 2005-2006
(Body of ordinance contained in Ordinance Book 18)

ORDINANCE 2005-34

ORDINANCE TO AMEND THE PAY AND CLASSIFICATION PLAN
OF THE TOWN OF WAKE FOREST, NORTH CAROLINA
(Body of ordinance contained in Ordinance Book 18)

B. Consideration of approval of inter-municipal agreement with the City of Raleigh for Meter Reading Services (documentation on file in Town Clerk's Office).

ACTION: Commissioner Boyd-Lawson made a motion to approve the inter-municipal agreement with the City of Raleigh for Meter Reading Services. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of inter-municipal agreement with the City of Raleigh for Satellite Collection Site (revenue collections) (copy of agreement on following page).

ACTION: Commissioner Boyd-Lawson made a motion to approve the inter-municipal agreement with the City of Raleigh for Satellite Collection Site (revenue collection). Commissioner Bridges seconded the motion, which carried unanimously (5-0).

D. Consideration of approval of lease with ChurchNet for rental of old train depot (copy of lease agreement on following page).

ACTION: Commissioner Boyd-Lawson made a motion to approve the lease agreement with ChurchNet for rental (\$480/year) of old train depot. Commissioner Barrington seconded the motion, which carried unanimously (5-0).

9. Public Services Items.

A. Consideration of approval of territorial agreement for electric service with Wake EMC (copy of territorial agreement on following page).

ACTION: Commissioner Camacho made a motion to approve a territorial agreement for electric service with Wake EMC. Commissioner Boyd-Lawson seconded the motion, which carried unanimously (5-0).

B. Consideration of approval of rescinding of water & sewer standards, details and technical specifications of the Manual and Specifications of the Town of Wake Forest.

ACTION: Commissioner Malone made a motion to rescind the water and sewer standards, details and technical specifications of the Manual and Specifications of the Town of Wake Forest. Commissioner Bridges seconded the motion, which carried unanimously (5-0).

C. Consideration of approval of bids received for the North Allen Road Sidewalk Project (copy of bid tabulations on following page).

ACTION: Commissioner Bridges made a motion to approve Narron Construction, the apparent low bidder, with the cost of \$349,592.50 for the construction of the sidewalk project. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

D. Consideration of approval of contract for pavement cuts for water and sewer lines for the City of Raleigh (copy of contract on following page).

ACTION: Commissioner Barrington made a motion to approve a contract for pavement cuts for water and sewer lines for the City of Raleigh. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

E. Consideration of approval of vendor to pick-up residential/small commercial solid waste (copy of bid tabulation on following page).

ACTION: Commissioner Barrington made a motion to reject all bids, which died due to lack of a second.

Commissioner Barrington made a motion to reject all bids. Commissioner Boyd-Lawson seconded the motion and the vote was as follows:

| <u>Aye</u> | <u>Nay</u> |
|---|---|
| Commissioner Barrington Commissioner Boyd-Lawson | Commissioner Bridges Commissioner Camacho Commissioner Malone |

Commissioner Bridges made a motion to award the contract for pick-up residential/small commercial to Republic Waste Services, the apparent low bidder at \$86,000 (\$8.75/month trash pick-up with Town supplied carts and \$3.25/month recycling pick-up) with Town supplied carts). Commissioner Malone seconded the motion, which carried unanimously (5-0).

10. Parks and Recreation Items.

A. Consideration of approval of bids for the construction of two (2) basketball courts at the DuBois Campus (documentation on file in Town Clerk’s Office).

ACTION: Commissioner Barrington made a motion to approve the apparent low bidder Nu-Tech in the amount of \$51,150 for the construction of two (2) basketball courts at the DuBois Campus. Commissioner Bridges seconded the motion, which carried unanimously (5-0).

11. Public Safety Items.

None.

12. Other Business.

Discussion ensued concerning noise issues with various construction projects going on. Consensus of the Board of Commissioners was to ask the Public Works Committee to look into this matter.

Deputy Town Manager O’Donnell reported that there will be a delay in the opening of the South Franklin Street Extension. He asked the Board of Commissioners to give him permission to contact the DEHNR to expedite the opening.

13. Adjournment.

ACTION: At 9:22 p.m., Commissioner Barrington made a motion to adjourn the meeting. Commissioner Camacho seconded the motion, which carried unanimously (5-0).

Town Clerk

Mayor